

## REMARKS

In the Official Action mailed on **2 February 2007**, the Examiner reviewed claims 1-3, 5-10, and 12-14. Claims 1-3, 5-10, and 12-14 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1-3, 5, 6, 8-10, 12 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Thatte et al. (USPN 6,442,620 hereinafter “Thatte”), in view of Garcia et al. (USPN 6,778,990 hereinafter “Garcia”). Claims 7, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Thatte, in view of Garcia, and further in view of Gibbons et al (USPN 5,761,511, hereinafter “Gibbons”).

### Rejections under 35 U.S.C. §112

Claims 1-3, 5-10, and 12-14 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Applicant has amended these claims to provide the correct antecedent basis.

Applicant submits that these claims as presently amended are in condition for allowance

### Rejections under 35 U.S.C. §103

Claims 1-3, 5, 6, 8-10, 12 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Thatte in view of Garcia. Claims 7 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Thatte, in view of Garcia, and further in view of Gibbons. Applicant respectfully points out that Thatte discloses an “extensible object **execution** environment” (see Thatte, col. 11, lines 9-22). In contrast, Applicant discloses a “software **design** environment” (see Applicant, paragraph [0001]). It is recognized in the art that software ‘design’ refers to

software construction or planning; whereas ‘execution’ refers to the act of executing an implementation of that design.

To clarify further, Thatte’s invention introduces “a general extensible structure for automatic services to extend an object execution environment” (see Thatte, col 4, lines 11-13). Thatte describes events that are triggered at *execution* time (see Thatte, col 4, lines 27-29; Thatte col 5, lines 18-23). These events include object creation and instantiation. In the art, these are recognized as execution-time concerns rather than design-time concerns.

Applicant’s design environment is a way to *construct* software. Thatte’s execution environment would not work as a software design environment because no facilities in Thatte exist to construct software. Thatte discloses a method where software assumed to already exist is executed (specifically an object-oriented system with domain-specific behaviors; see Thatte col 4, 12-14).

Applicant thus respectfully submits that Thatte’s subject is different from Applicant’s subject.

However, Applicant has clarified this difference by amending claims 1, 2, 5, 6, 8, 9 and 12. These amendments find support in Applicant’s specifications, paragraph [0001].

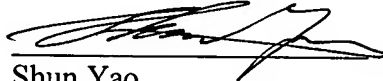
Applicant submits that claims 1-3, 5, 6, 8-10, 12 and 13 are allowable as currently amended.

**CONCLUSION**

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By



Shun Yao

Registration No. 59,242

Date: 20 February 2007

Shun Yao  
PARK, VAUGHAN & FLEMING LLP  
2820 Fifth Street  
Davis, CA 95618-7759  
Tel: (530) 759-1667  
Fax: (530) 759-1665  
Email: shun@parklegal.com